

11-04-02 1600 1648 0500 11/04/02 #12



BUCKET NO.: NIH-0127

PATENT #12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Application of:

NOV 21 2002

Mario H. Skiadopoulos et al.

TECH CENTER 1600/2900

Serial No.: 09/900,112

Group Art Unit: Not Yet Assigned

Filing Date: July 5, 2001

Examiner: Not Yet Assigned

For: ATTENUATED HUMAN-BOVINE CHIMERIC PARAINFLUENZA VIRUS (PIV) VACCINES

EXPRESS MAIL LABEL NO.: EV166860855US
DATE OF DEPOSIT: October 31, 2002

EV166860855US

-- Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

- ☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first office action after the filing of request for continued examination under §1.114, no additional fee is required.

- ☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐the first or ☐second After Final Submission, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); and the submission fee of \$180.00 as set forth in §1.17(p).
- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

- ☐ In accordance with §1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

This form is submitted in duplicate.

There are no listed references which are not in the English language.

Attached is a copy of the PCT International Search Report dated August 5, 2002, which identifies the documents considered to be relevant and are listed on the attached PTO Form 1449 Forms.

Date: October 31, 2002


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**Form PTO-1449 Modified**

List of Patent and Publications
Cited by Applicant
(Use several sheets if necessary)

U.S. Department of Commerce
Patent and Trademark Office

Docket No.
NIH-0127

Serial No.
09/900,112

Applicant
Mario H. Skiadopoulos et al.

Filing Date
July 5, 2001

Group
Not Yet Assigned

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

L78	1	Bailly, J.E. et al., "A Recombinant Human Parainfluenza Virus Type 3 (PIV3) in Which the Nucleocapsid N Protein Has Been Replaced by That of Bovine PIV3 Is Attenuated in Primates," <i>J. Virology</i> , April, 2000, 74(7), 3188-3195
EXAMINER L78	DATE CONSIDERED 4/14/04	

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